

1982 WL 189318 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 10, 1982

\*1 G. William Thomason, Esquire  
Town Attorney  
Callison, Dorn & Thomason  
Post Office Box 1115  
Greenwood, South Carolina 29646

Dear Mr. Thomason:

You have requested an opinion as to the proper procedure for the Town Council of Ware Shoals to follow in order to extend the terms of the Mayor and members of Council from two years to four-year staggered terms.

You have indicated some confusion possibly arising from the provisions of [§ 5-15-30](#) and [5-15-40 of the 1976 Code of Laws of South Carolina](#). The first of these sections provides of election of council members. However, it is clear from the preceding section, § 5-15-20, that when the term 'method of election' is used, what is meant is the method for determining the geographical districts from which council members shall be elected and the required place of residence of council members. [Section 5-15-40](#) provides for the terms of office of mayor and councilmen and provides for these terms to be set by ordinance. Since the election requirement of [§ 5-15-30](#) clearly applies to the matters set forth in § 5-15-20, it is the opinion of this office that the terms of office of mayor and councilmen may be changed in the manner desired simply by ordinance without the need for an election.

I would also mention that this change is probably one which needs to be cleared by the Justice Department pursuant to the federal Voting Rights Act of 1965.

Sincerely yours,

Kenneth P. Woodington  
Senior Assistant Attorney General

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